APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,635	09/26/2000	Elizabeth Sharpe	11854/1	6168

25693   7590   12/05/2002

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EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/670,635	SHARPE ET AL.
		Examiner	Art Unit
		Baoquoc N To	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 9/18/02

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-46* is/are pending in the application. *canceled*

    4a) Of the above claim(s) *47-57* is/are ~~withdrawn from consideration~~.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-46* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1. The applicant elected claims 1-46 in response to the restriction requirement filed 09/20/2002 with traverse. However, the applicant did not provide the ground(s) of the traversal. Thus, the restriction requirement is deemed proper and is made FINAL. Applicant also requested the cancellation of claims 47-57.

2. Claims 1-46 are pending in this application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on October 19, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prager (US.

Patent No. 5,943,670) and in view of Braden-Harder et al. (US. Patent No. 5,630,121).

Regarding on claims 1, 16 and 17, Prager teaches a method of archiving and retrieving digital

media items based on episodic memory of predefined distinct groups of one or more people the

method comprising:

receiving a user input identifying a group to which the user belongs (col. 11, lines 53-54);

receiving user archiving input (col. 11, lines 54-55);

identifying a digital media item (news story) to be archived for the group, selecting zero or

more group event types (news) from a predetermined plurality of group event types for the group,

selecting zero or more persons in the group (user profile), and selecting a time (date) (col. 11, lines

54-58);

receiving a user retrieval input (user profile) selecting or automatically selecting: zero or more

group event types from the predetermined plurality of group event types for the group (user who have

register interest in sport and also those interested in animal stories), zero or more persons in the

group (user), and a time period (today news) (col. 11, lines 53-58); and

using the selections and the identified group to retrieve and output digital media items that

match the selection (col. 11, lines 55-58).

Although, Prager does not explicitly teach generating index information using the received user

archiving input; storing the index information in association with the identified digital media item;

repeating the reception of user archiving input, the generation of the index information and the storing

of the index information for a plurality of digital media items. However, Braden-Harder teaches, "uses

structure indexes to archive and retrieve information in a computer database" (col. 4, lines 8-9). In

addition, Braden-Harder also teaches, "to create an index that is more descriptive of a word

(component) phrase than a one word simple index" (col. 4, lines 64-65). This teaches the created

index is the word or digital media. Furthermore, Braden-Harder also teaches, "the search algorithm

435, broadens or narrows the criteria of the structured index database search 445" (col. 10, lines 5-7).

This also teaches the system reception of user repeat archiving input. Therefore, it would have been

obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of

Braden-Harder into Prager because utilizing the created index that associated with the media and

repeating the creating process would allow the user to retrieve relevant media based on the created

index.

Regarding on claims 2 and 18, Prager teaches the user retrieval input comprises a user input

from a different user identifying a group to which the different user belongs and the digital media

items are retrieved using the group identified for the different user in the user retrieval input (col. 11,

lines 53-58).

Regarding on claims 3 and 19, Prager teaches defining the distinct groups of people (users who have registered interest in sports and also those interested in animal stories) (col. 11, lines 56-57), and defining group event types that are appropriate for members of the groups to distinguish episodic events memorable to the group (col. 11, lines 55-57).

Regarding on claims 4 and 20, Prager discloses a method of archiving and retrieving digital media items based on episodic memory of predefined distinct groups of one or more people as discussed in claim 1.

Prager does not explicitly teach "receiving said digital media item to be archived, and storing said digital media item in association with the index information."

However, Braden-Harder teaches receiving said digital media item to be archived (document), and storing said digital media item in association with the index information (col. 5, lines 64-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claims 5 and 21, Prager discloses a method of archiving and retrieving digital media items based on episodic memory of predefined distinct groups of one or more people as discussed in claim 1.

Prager does not explicitly teach, "receiving a user archiving input identifying a digital media item as being associated with a memorable high point in the mind of the user."

However, Braden-Harder teaches receiving a user archiving input identifying a digital media item as being associated with a memorable high point in the mind of the user (col. 8, lines 19-26).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claims 6 and 22, Prager discloses a method archiving digital media item as being associated with a memorable high point as discussed in claim 5.

Prager does not explicitly teach, "the user retrieval input includes an input selecting memorable high points."

However, Braden-Harder teaches the user retrieval input includes an input selecting memorable high points (col. 8, lines 19-26).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claims 7 and 23, Prager discloses a method of archiving and retrieving digital

media items based on episodic memory of predefined distinct groups of one or more people as

discussed in claim 1.

Prager does not explicitly teach, "the index information is generated to include an identification

of a media type of the digital media item."

However, Braden-Harder teaches, "the index information is generated to include an

identification of a media type of the digital media item (col. 5, lines 52-57)

Therefore, it would have been obvious to one ordinary skill in the art at the time of the

invention was made to modify the teaching of Braden-Harder into Prager because utilizing the

created index that associated with the media and repeating the creating process would allow the user

to retrieve relevant media based on the created index.

Regarding on claims 8 and 24, Prager discloses a method of archiving and retrieving digital

media to include index information to generate an identification of a media type of the digital media

item as claim in claim 7.

Prager does not explicitly teach, "the user retrieval input includes an input identifying a media

type, and digital media items are retrieved and output based on the identified media type."

However, Braden-Harder teaches the user retrieval input includes an input identifying a media

type, and digital media items are retrieved and output based on the identified media type (col. 5, lines

52-57).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claims 9 and 25, Prager discloses a method of archiving and retrieving digital media items based on episodic memory of predefined distinct groups of one or more people as discussed in claim 1.

However, Prager does not explicitly teach "receiving a user archiving input identifying a plurality of digital media items and an input identifying the digital media items to be associated as perceived by the user, wherein the index information is generated to include the identified association."

Braden-Harder teaches receiving a user archiving input identifying a plurality of digital media items and an input identifying the digital media items to be associated as perceived by the user, wherein the index information is generated to include the identified association (col. 8, lines 55-65).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claim 10, Prager disclosed a method archiving and retrieving digital media items from the plurality of digital media and an input identifying the digital media by the user as discussed in claim 9.

Prager does not explicitly teach "digital media items are retrieved and output as a result of the user retrieval input, any digital media items having the identified association in the index information are automatically identified for retrieval and output."

However, Braden-Harder teaches digital media items are retrieved and output as a result of the user retrieval input, any digital media items having the identified association in the index information are automatically identified for retrieval and output (col. 10, lines 1-12).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claim 11, Prager teaches the automatically identified digital media items are automatically retrieved and output (col. 11, lines 53-55).

Regarding on claim 12, Prager teaches outputting a notification (notification service) to a user that associated digital media items are available, and retrieving and outputting automatically identified digital media items in response to a user input (col. 11, lines 53-58).

Regarding on claims 13 and 27, Prager disclosed the method of archiving and retrieving digital media items based on episodic memory of predefined groups of one or more people as discussed in claim 1.

Prager does not explicitly teach "receiving a user request for automatic nostalgic retrieval, automatically generating an initial set of said selections, using the selections to retrieve and output digital media items, automatically modifying one of the selections, using the modified selections to retrieve and output digital media items and repeating the modifying, and retrieval and output steps."

However, Braden-Harder teaches receiving a user request for automatic nostalgic retrieval, automatically generating an initial set of said selections (col. 10, lines 1-5), using the selections to retrieve and output digital media items (col. 10, lines 1-5), automatically modifying one of the selections, using the modified selections to retrieve and output digital media items and repeating the modifying, and retrieval and output steps (col. 10, lines 5-9).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Braden-Harder into Prager because utilizing the created index that associated with the media and repeating the creating process would allow the user to retrieve relevant media based on the created index.

Regarding on claim 25, Prager teaches receiving means is adapted to receive the user archiving input identifying a plurality of digital media items to be sequenced as perceived by the user, and said generating means is adapted to generate the index information to include the identified sequences (col. 9, lines 28-31).

Regarding on claim 26, Prager teaches retrieval means is adapted to retrieve all digital media items identified to be sequenced (sorting order) when one or more digital media items are selected for retrieval (col. 9, lines 28-31).
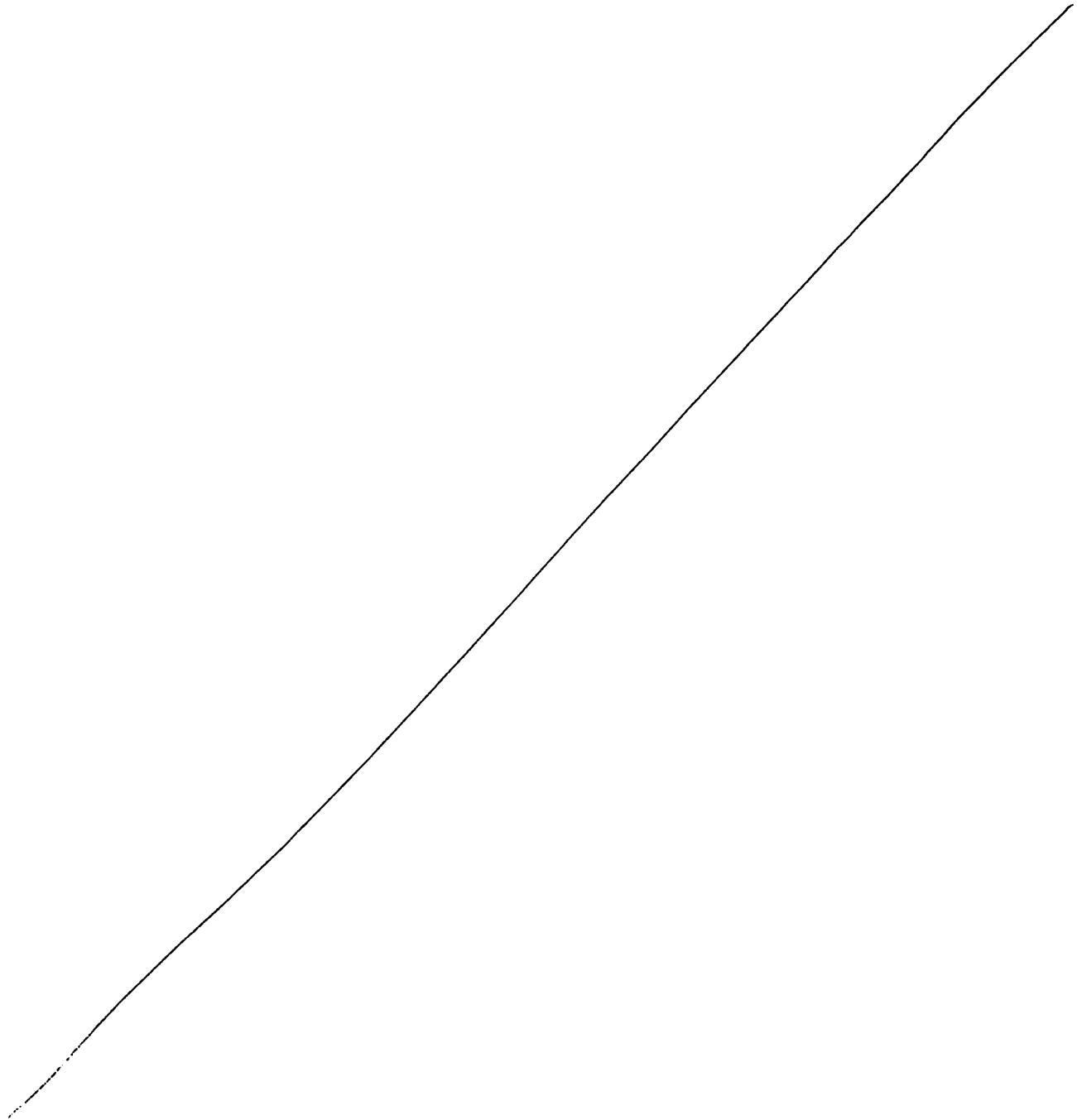
Regarding on claims 14 and 15, Prager teaches user terminal for use in the archiving and

retrieval of digital media items based on episodic memory of predefined distinct groups of one or

more people, the terminal comprising:

user interface (user interface) means for allowing a user to generate an archiving output (col.

5, lines 32-34):

identifying a group to which the user belongs (user profile), identifying a digital media item

(news story) to be archived for the group, selecting zero or more group event types from a

predetermined plurality of group event types (new) for the group (user who have , selecting zero or

more persons in the group (user), and selecting a time (today news) (col. 11, lines 45-47);

wherein said user interface means is adapted to allow a user to generate a retrieval input:

identifying a group to which the user belongs (col. 5, lines 55-58), selecting zero or more group event

types from the predetermined plurality of group event types for the group, selecting zero or more

persons in the group (user), selecting a time period and identifying if retrieval is to be automatic (news

items that arise and match a user' s profile will be sent to him) (col. 11, lines 53-55) ; and

said transmission means is adapted to transmit (sent to him) the retrieval input to the

processing device to identify digital media items (news story) using the retrieval input (user profile)

(col. 11, lines 53-58);

the terminal further including receiving means for receiving any digital media items identified by

the processing device (col. 5, lines 34-38); and

a display for displaying the received digital media items (col. 5, lines 37-38).

Prager teaches the subject matter except for generating index information using the archiving

input and for storing the index information in association with the identified item. However, Braden-

Harder teaches, "uses structure indexes to archive and retrieve information on a computer database"

(col. 4, lines 8-9). In addition, Braden-Harder teaches, "to create an index that is more description of a word (component) phrase than a one word simple index" (col. 4, lines 64-65). This teaches the created index is associated with word or media. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Braden-Harder into Prager because creating index and associated the indexes with media would allow the user to retrieve the media based on the created index.
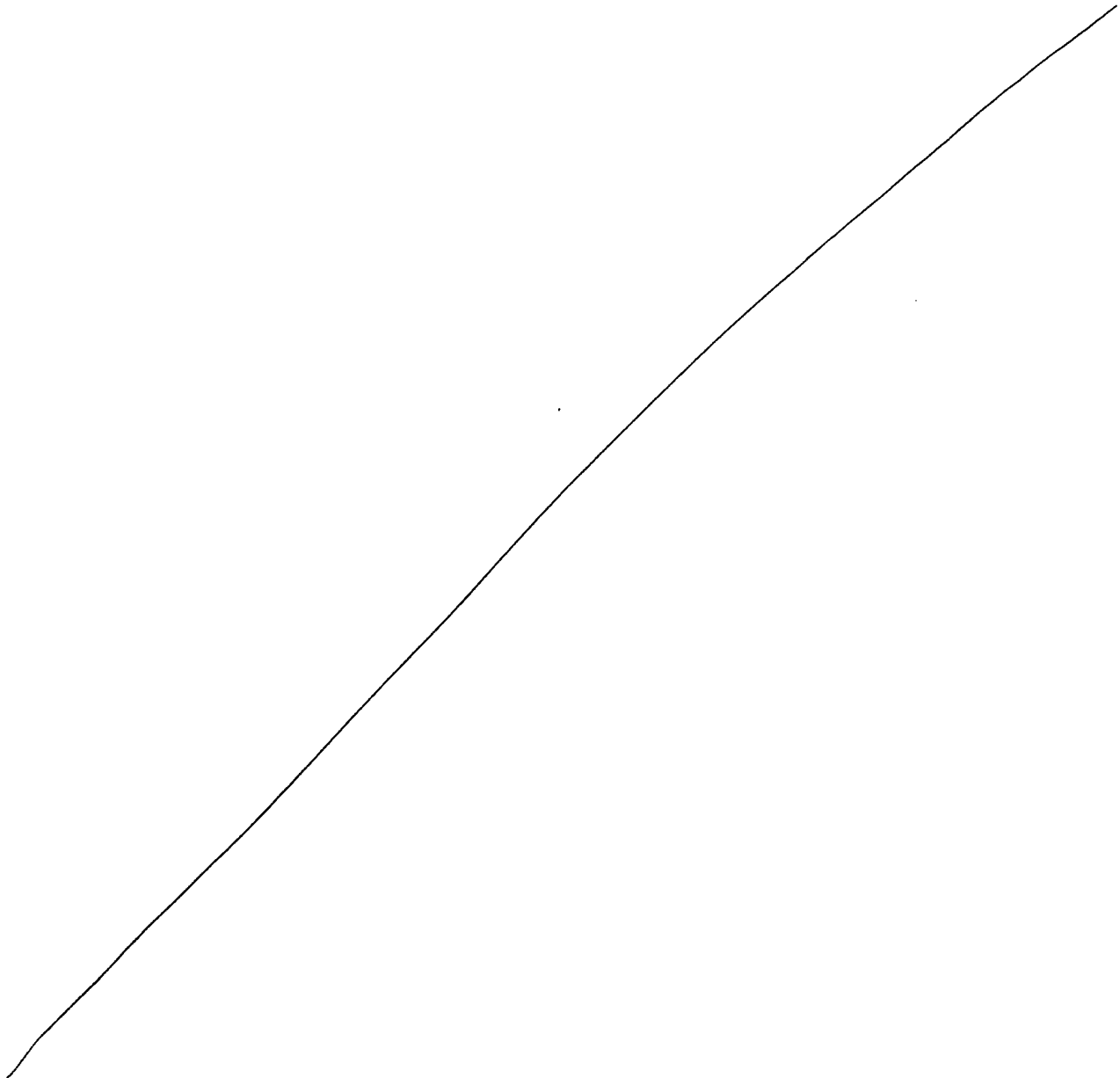
5.   Claims 28-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prager (US.

Patent No. 5,943,670) and in view of Borovoy et al. (US. Patent No. 5,842,009).

Regarding on claims 28, 38 and 44-46, Prager teaches a method of archiving a digital media

item, the method comprising:

      generating index information (creating index) (col. 4, lines 64-57) by:

      storing the index information in association with the digital media item (col. 5, lines 28-38)

      Prager does not explicitly teach allowing a user to identify a time, allowing a user to identify

zero or more persons from a predetermined plurality of people, allowing a user to identify zero or

more event types from a predetermined plurality of event types. However, Borovoy teaches the user

can identify the time (11 to 12) for a meeting (event) with a person (Srini) with the associated

documents for the meeting (col. 3, lines 59-67 and col. 4, lines 1-21). This teaches an index is

created with time, event, person and the document that associates with. Therefore, it would have

been obvious to one ordinary skill in the art at the time of the invention was made to modify the

teaching of Borovoy into Prager because creating an index that associates time, event, person and

the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claim 29, Prager discloses a method of archiving a digital media item as claim in

claim 28.

      Prager does not explicitly teach "identifying the time as a default date (present date and time)

in response to a lack of identification from the user."

However, Borovoy teaches identifying the time as a default date (present date and time) in response to a lack of identification from the user (col. 3, lines 31-33).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claim 30, Prager teaches identifying default persons (user profile) as the predetermined plurality of people in response to a lack of identification from the user (col. 11, lines 53-55).

Regarding on claims 31 and 39, Prager discloses a method of archiving a digital media item as discussed in claim 28.

Prager does not explicitly teach allowing a user to select a digital media item to be archived from a library. However, Borovoy teaches comprising allowing a user to select a digital media item (document) to be archived from a library (database) (col. 4, lines 8-13). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claims 32 and 40, Prager discloses a method of archiving a digital media item as discussed in claim 28.

Prager does not explicitly disclose allowing a user to input a digital media item. However, Borovoy teaches allowing a user to input a digital media item (col. 6, lines 13-20). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claims 33 and 41, Prager discloses a method of archiving a digital media item as discussed in claim 28.

Prager does not explicitly teach allowing a user to modify the digital media item. However, Borovoy teaches allowing a user to modify (delete) the digital media item (fig. 3).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claim 34, Prager discloses a method of archiving a digital media item as discussed in claim 28.

Prager does not explicitly teach, "the method is operable only by a user from the predetermined plurality of people." However, Borovoy teaches the method is operable only by a user from the predetermined plurality of people (col. 1, lines 47-50). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claim 35, Prager discloses a method of archiving a digital media item as discussed in claim 28.

Prager does not explicitly teach allowing a user to identify the digital media item as belonging to an important category digital media items.

However, Borovoy teaches allowing a user to identify the digital media item as belonging to an important category (document) of digital media items (col. 5, lines 57-64).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Borovoy into Prager because creating an index that associates time, event, person and the documents would allow the user to retrieve the document or media based on the created index.

Regarding on claim 36, Prager discloses a method of archiving a digital media item as
discussed in claim 28.

Prager does not explicitly teach, "identifying the media type of the digital media item in the
index information."

However, Borovoy teaches identifying the media type of the digital media item in the index
information (col. 5, lines 46-56).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the
invention was made to modify the teaching of Borovoy into Prager because creating an index that
associates time, event, person and the documents would allow the user to retrieve the document or
media based on the created index.

Regarding on claims 37 and 43, Prager teaches the step of storing the index information
comprises storing the index information at a site remote from the user (col. 5, lines 50-52).

Regarding on claim 42, Prager teaches means for allowing only users from the predetermined
plurality of people to identify a time, person or people and event type or event types (col. 11, lines 45-
48).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

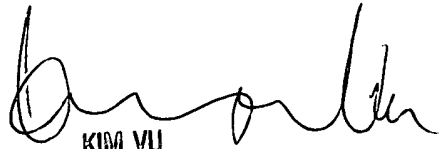Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- o   (703) 746-7238   [After Final Communication}]
- o   (703) 746-7239   [Official Communication]
- o   (703) 746-7240   [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

November 27 , 2002

KIM VU

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100